

SBCivil Writ Petition No.4221/2006

Ajay Bhai Dhobi
Vs.
State of Rajasthan & Anr.

Date of Order :: 28th August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.R.Mehta, for the petitioner.

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By an advertisement dated 28.7.2003 the Director, Secondary Education, Bikaner invited applications from eligible candidates for the purpose of appointment as Physical Training Instructor (Gr.III) against the existing vacancies in various districts of the State of Rajasthan. The petitioner considering himself eligible submitted an application to be considered for appointment as Physical Training Instructor (Gr.III) in pursuant to the advertisement referred above. The respondents conducted the selection proceedings and completed the same by giving appointments to the selected incumbents. The petitioner at the first instance submitted an application on 10.1.2006 under Section 6 of the Freedom of Information Act, 2002 (hereinafter referred to as "the Act of 2002") to the Director, Secondary Education, Bikaner and District Education Officer (Secondary Education), Kota demanding a copy of merit list and a copy of appointment order issued in favour of less meritorious candidates than him as a consequent to the selection proceedings taken place in

pursuant to the advertisement dated 28.7.2003. without getting the copies of the documents aforesaid the petitioner on 17.2.2006 filed the present writ petition before this Court seeking direction to consider the candidature of the petitioner for the purpose of appointment to the post of Physical Training Instructor Gr.III on the basis of marks obtained by him in notional subjects of Higher and Senior Secondary Vocational Examination.

The contention of counsel for the petitioner is that the respondents have not considered his candidature for the purpose of appointment as Physical Training Instructor Gr.III only on the count that he is having a Senior Secondary School Examination Certificate (Vocational).

As stated above, the selection proceedings were initiated by the respondents in the year 2003 and the same acquired finality quite earlier than filing of the writ petition. The petitioner at the first instance raised his grievance thorough his counsel by way of submitting an application under Section 6 of the Act of 2002 on 10.1.2006. No explanation is given for causing delay of more than two years in filing the writ petition.

It is well settled that in the matter of selections, if any person is having any grievance then

he should approach the competent authority or the legal fora as early as possible. Delay in such matters is fatal and that disentitles the person concerned for getting any relief. The instant matter also suffers from unexplained inordinate delay and that disentitles the petitioner from getting any relief under Article 226 of the Constitution of India.

The petition for writ, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.